

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

PAULA GARST

v.

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

2:10-CV-279

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**DENYING MOTION TO DISMISS, and**  
**DISMISSING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Defendant has filed what has been construed as a motion to vacate, set aside or correct sentence by a person in federal custody. The Government has filed a motion to dismiss the case. On January 10, 2012, the United States Magistrate Judge entered a Report and Recommendation recommending therein that defendant's motion be dismissed for want of prosecution and the Government's Motion to Dismiss be denied. No objections to the Report and Recommendation have been filed of record as of this date.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the motion to vacate, set aside or correct sentence filed by defendant is, in all things, DISMISSED for want of prosecution. The Government's Motion to Dismiss is DENIED as moot.

IT IS SO ORDERED.

ENTERED this 24<sup>th</sup> day of February 2012.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE